IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 16791 of 2007(Y)

PETITIONER:

VALSALA T.K., D/O. DEVAKI,
THEKKENCHERY HOUSE, KATTAKAMPAL P.O.,
PALATTUMURY, THRISSUR.

BY ADV. SRI.KRISHNA PRASAD. S
SRI.SUJITH P.SURENDRAN

RESPONDENTS:

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1. MRS. SUBARA VINOD, D/O. THAMU,
AMMAT HOUSE, KATTAKAMPAL P.O., PALTTUMURY,
THRISSUR.

2. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, THRISSUR.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, PAZHANJI, THRISSUR.

4. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

BY ADV. SHRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 16791 of 2007

Dated, this the 18th day of June, 2007

J U D G M E N T

Petitioner is challenging drawl of electric line over petitioner's property based on ADM's order, which according to the petitioner was issued without hearing her and without her consent. Learned Standing Counsel for the KSEB submitted that line drawn is over boundary of petitioner's property and that too, 32 metres of weather proof line. In the normal course, there is no scope for interference because a weather proof cable is insulated with benign, moreover, it is passing over the boundary of petitioner's property. However, learned counsel for the petitioner submitted that petitioner has suggested shorter alternate route. If the alternate route suggested is shorter, then the line has to be a weather proof line of shorter length. If petitioner has suggested any alternate route shorter in length, which does not involve crossing of private property, then there will be a direction to the 3rd respondent to draw the line in the alternate route using weather proof cable. If petitioner gets consent from the land owners, 3rd respondent should draw line through weather proof cable over such person's property.

However, if petitioner's suggestion involves drawal of longer cable, then the line as approved by ADM should be retained.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg